

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.9703 of 2020**

Arising Out of PS. Case No.-80 Year-2019 Thana- BARHAT District- Jamui

1. BISHESHWAR YADAV Son of Late Mithu Yadav Resident of Village - Banjhipiar, P.S.- Barhat, Dist.- Jamui
2. Dablu Yadav @ Dablu Kumar Son of Shambhu Yadav Resident of Village - Banjhipiar, P.S.- Barhat, Dist.- Jamui

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Umesh Prasad,Advocate  
For the Opposite Party/s : Mr.Ram Bachan Singh,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD  
ORAL ORDER**

2      11-06-2020                      This application has been placed for consideration by the order of the Hon'ble the Chief Justice through virtual court proceeding.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners in the present case are seeking anticipatory bail in connection with Barhat P.S. Case No. 80 of 2019 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a) of Bihar Prohibition (Amendment) Act 2016.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the



present case. Learned counsel submits that no illicit liquor has been recovered from the conscious possession of the petitioners.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

Considering the facts and circumstances of the case wherein, though it is stated on behalf of the petitioner no. 1 that his residence is situated at a distance of one kilometre but there being no statement that the *kaprail* house from which illicit liquor has been recovered does not belong to him, there being allegation that recovery of liquor has been made from the said *kaprail* house, I am not inclined to grant anticipatory bail to the petitioner no. 1. His prayer for anticipatory bail is, thus, refused.

In case the petitioner no. 1 surrenders and prays for regular bail in the court below within a period of four weeks from today the same shall be considered on its own merit without being prejudiced by the present order.

So far as the petitioner no. 2 is concerned, there is no recovery from his possession, he is said to be a student of intermediate class and there being no credible material to connect him with the present case, let the petitioner no. 2 above named in the event of his arrest or surrender within a period of four weeks from today in connection with Barhat P.S. Case No.



80 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. II cum Special Judge Excise, Jamui, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

This application is partly allowed.

**(Rajeev Ranjan Prasad, J)**

SUSHMA2/Arvind

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

